

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~Southern~~ DISTRICT OF ALABAMA
Middle ~~MD~~

DARRYL D. RIGGINS #18405/RECEIVED

PLAINTIFF

2008 MAR 26 A 9:58

CLASS ACTION

Civil Action No: _____

VS.

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2:08CV218-MHT

Richard Allen, GRANT Culliver

WARDEN Folks, W. Bishop

MR. MYERS, C.M.S., DR. R. BURNS, M.D.

MS. KABLER, R.N., D.O.N., C.M.S

DEFENDANTS

I. JURISDICTION & VENUE

1.) This is a Civil Action authorized by 42 U.S.C Section 1983 to RE-
dress the deprivation under Color of State law of Rights secured
by the Constitution of the United States The Court has jurisdiction
under 28 U.S.C Section 1331 AND 1343 (A)(3) PLAINTIFF SEEKS declaratory
Relief pursuant to 28 U.S.C Section 2201 AND 2202 PLAINTIFF'S CLAIM
FOR INJUNCTIVE Relief ARE AUTHORIZED by 28 U.S.C Section 2283 AND
2284 AND Rule 65 OF THE ~~FED~~ Federal Rules of Civil Procedure

2.) The United States District Court for the ~~Southern~~ ^{Middle} district of ALABAMA IS
AN APPROPRIATE VENUE UNDER 28 U.S.C SECTION 1391 (B)(2) BECAUSE IT
IS WHERE THE EVENTS giving Rise to this claim OCCURRED

II. PLAINTIFF

3.) PLAINTIFF DARRYL D. RIGGINS IS AND WAS AT ALL TIMES MENTIONED HEREIN
A PRISONER OF THE STATE OF ALABAMA IN THE CUSTODY OF THE ALABAMA
DEPARTMENT OF CORRECTIONS HE IS CURRENTLY CONFINED IN W.C. HOLMAN

PRISON FOR MEN IN MORE ALABAMA

III. DEFENDANTS

- 4.) DEFENDANT RICHARD ALLEN IS THE DIRECTOR / COMMISSIONER OF THE STATE OF ALABAMA HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING W.C. HOLMAN PRISON FOR MEN
- 5.) DEFENDANTS GRANT CULLIVER AND FOLKS AND W. BISHOP IS SUPERINTENDENTS / WARDENS AND CAPTAIN OF THE SEGREGATION ANNEX OF W.C. HOLMAN PRISON FOR MEN THEY ARE LEGALLY RESPONSIBLE FOR THE OPERATION OF W.C. HOLMAN PRISON FOR MEN AND THE WELFARE OF ALL THE INMATES OF THAT PRISON
- 6.) DEFENDANT R. BURNS, M.D. IS THE MEDICAL DIRECTOR OF CORRECTIONS MEDICAL SERVICES (C.M.S) OF THE STATE OF ALABAMA DEPARTMENT OF CORRECTIONS AT W.C. HOLMAN PRISON FOR MEN HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF C. M.S MEDICAL TREATMENT AND THE HEALTH AND WELFARE OF ALL THE INMATES OF THAT PRISON
- 7.) DEFENDANTS MR. MYERS & MS. KABLER IS ADMINISTRATORS OF C. M.S AT W.C. HOLMAN PRISON FOR MEN THEY ARE LEGALLY RESPONSIBLE FOR THE OPERATION OF THE DISTRIBUTION OF PRESCRIBED MEDICATIONS BY R. BURNS, M.D. OR ANY OTHER DOCTOR AT W.C. HOLMAN PRISON FOR MEN AND THE MEDICAL WELFARE OF ALL THE INMATES OF THAT PRISON
- 8.) EACH DEFENDANT IS SUED IN HIS/HER OFFICIAL CAPACITY AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF LAW

IV. FACTS

- 9.) DEFENDANTS ARE KNOWINGLY AND WILLINGLY OVER MEDICATING THE INMATE IN THE SEGREGATION ANNEX AT W. C. HOLMAN BY GIVING THE INMATES TWO (2) TO THREE (3) TIMES THE PRESCRIBED DOSAGES OF THEIR MEDICATION.
- 10.) WHEN THE INMATES INFORM THE NURSES THEY'VE BEEN GIVING TOO MUCH MEDICATION THE NURSES AND A.D.O.C. OFFICIALS ADVISE THE INMATES TO TAKE HALF AND SAVE HALF FOR LATER.
- 11.) IT'S AGAINST RULES AND REGULATIONS OF C.M.S AND A.D.O.C. TO HOARD ANY MEDICATION IN THEIR CELL AFTER PILL CALL AND IF CAUGHT WITH ANY MEDICATIONS INMATES ARE SUBJECT TO DISCIPLINARY ACTION FOR PUNITIVE PUNISHMENT.
- 12.) UPON INFORMATION AND BELIEF THERE ARE INMATES IN THE SEGREGATION ANNEX WHO ARE RECEIVING MENTAL HEALTH MEDICATIONS AND FOR NUMEROUS OTHER SERIOUS MEDICAL NEEDS SUCH AS EPILEPTIC, ASTHMA, HYPERTENSION, DIABETIC, ETC. ETC.
- 13.) UPON INFORMATION AND BELIEF THE ABOVE MENTIONED MEDICATIONS ARE TO BE ~~MONITOR~~ MONITORED BY BLOOD LEVELS AND ADJUSTED ACCORDINGLY AND IF TAKE OFF ~~SCHEDULED~~ SCHEDULED MEANING TOO LATE, TOO SOON, TOO CLOSE, OR TOO FAR APART CAN AND MAY PROVE LETHAL.
- 14.) UPON INFORMATION AND BELIEF THE DEFENDANTS ARE VERY AWARE OF THIS LONGSTANDING SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM THEY HAVE PLACED THE INMATES IN WITH A CONCERTED EFFORT.

- 15.) DEFENDANTS HAS EMBRACED A CLEARLY ESTABLISHED SHOWING OF IN-ADEQUATE MEDICAL TREATMENT AND SECURITY
- 16.) DEFENDANTS ARE AWARE OF THERE DELIBERATE INDIFFERENCE TO THE SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM
- 17.) DEFENDANTS ARE CHARGING INMATES A CO-PAY CHARGE OF \$3.00 FOR MEDICAL TREATMENT WHICH IS AGAINST LAWS AND STATUES OF FEDERAL AND STATE LAWS TO MAKE A CONVICTED INMATE PAY FOR BASIC HUMAN NEEDS SUCH AS MEDICAL TREATMENT
- 18.) INMATES WHOM ARE BEING GIVE TOO MUCH MEDICATION IS SUBJECT TO OVERDOSING TO THERE DEATH OR MENTAL HEALTH INMATES MAY EVEN COMMIT SUEICIDE
- 19.) DEFENDANTS FOR A.D.O.C. DOES NOT DO SECURITY CHECKS TO ENSURE SAFETY FROM THE ABOVE MENTIONED #18 PARAGRAPH FROM HAPPENING

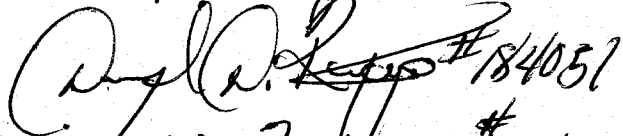
V. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS HONORABLE COURT ENTER JUDGMENT GRANTING PLAINTIFF:

- 20.) A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES

- 21.) A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS THEIR SUCCESSORS, AGENTS, EMPLOYEE'S, AND ALL PERSONS ACTING IN CONCERT WITH THEM TO PROTECT PLAINTIFF'S FROM ANY FUTURE INJURIES AND IMPLEMENT AN ADEQUATE SECURITY AND MEDICAL TREATMENT
- 22.) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY
- 23.) PLAINTIFF'S COSTS IN THIS SUIT
- 24.) ANY ADDITIONAL RELIEF THIS HONORABLE COURT DEEMS JUST PROPER AND EQUITABLE

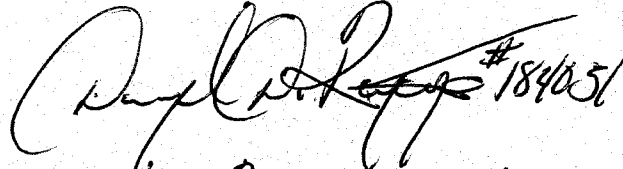
DONE ON THIS 09th DAY OF MARCH 2008

Respectfully submitted

DARRYL D. RIGGINS #184081
SEG. ANNEX-K-34-A
HOLMAN UNIT 3700
ATMORE, ALABAMA 36503

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED HEREIN ARE TRUE EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF AND AS TO THOSE I BELIEVE THEM TO BE TRUE I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

EXECUTED AT W.C. HOLMAN PRISON, ATMORE, ALABAMA ON THIS 09th
DAY OF MARCH 2008

 #184051
DARRYL D. RIGGINS #184051
SEG. ANNEX - K-34-A
HOLMAN UNIT 3700
ATMORE, ALABAMA
36503

ALL DEFENDANTS ADDRESS IS
AS FOLLOWS:

W.C. HOLMAN PRISON
HOLMAN UNIT 3700
ATMORE, ALABAMA
36503

VI. DEFENDANTS DELIBERATE INDIFFERENCE

- 25.) By MARCH 09th 2008 DEFENDANTS HAD ACTUAL KNOWLEDGE OF THE SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM TO PLAINTIFFS THEY KNOW OF PLAINTIFFS WITH SERIOUS MEDICAL NEEDS OF MENTAL, EPILEPTIC, ASTHMA, DIABETIC, HYPERTENSION, ETC. ETC. AND THAT THESE MEDICATIONS CAN AND MAY PROVE TOXIC AND OR HAZARDOUS IF MISUSED THIS RISK IS LONGSTANDING PERVERSIVE AND APPARENT TO ANY KNOWLEDGEABLE OBSERVER
- 26.) UPON INFORMATION AND BELIEF ALL DEFENDANTS ARE AWARE OF THEIR CONTINUOUS REFUSAL OF ADEQUATE MEDICAL TREATMENT IS A DIRECT RESULT TO THE SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM
- 27.) UPON INFORMATION AND BELIEF PLAINTIFFS HAS FILED SEVERAL ADMINISTRATIVE COMPLAINTS AND GRIEVANCES ABOUT INADEQUATE MEDICAL TREATMENT AND SAFETY ALL DEFENDANTS REVIEWED THESE COMPLAINTS AND GRIEVANCE
- 28.) UPON INFORMATION AND BELIEF DEFENDANTS AT W. C. HOLMAN PRISON ACT WITH DELIBERATE INDIFFERENCE BY ENGAGING IN A POLICY AND CUSTOM OF INADEQUATE MEDICAL TREATMENT AND SECURITY

VII. INADEQUATE MEDICAL CARE

- 29.) by MARCH 09, 2008 DEFENDANTS REFUSED TO GET PLAINTIFFS THEIR PROPER PRESCRIBED DOSAGE OF MEDICATIONS
- 30.) ALL INMATES ARE SUBJECT TO SERIOUS IRREPARABLE HARM BY THE DEFENDANTS CONTINUOUS REFUSAL OF ADEQUATE MEDICAL TREATMENT

31.) AS A RESULT OF DEFENDANTS DELIBERATE INDIFFERENCE TO PLAINTIFFS SERIOUS MEDICAL NEEDS AND THE POTENTIAL THREAT TO THE PLAINTIFFS HEALTH AND SAFETY PLAINTIFFS ARE SUFFERING PROLONGED AND EXTREME PAINS UNNECESSARY COMPLICATIONS AND OTHER PSYCHOLOGICAL TRAUMA

VIII. ONGOING SUBSTANTIAL RISK OF SERIOUS HARM

32.) DESPITE THE FACTS DESCRIBED ABOVE PLAINTIFFS SAFETY AT W.C. HOLMAN PRISON FOR MEN HAS NOT IMPROVED DEFENDANTS HAS NOT IMPROVED THE INADEQUATE MEDICAL TREATMENT WHICH POSES A SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM

VIII. EXHAUSTION

33.) PLAINTIFF HAS EXHAUSTED ALL AVAILABLE ADMINISTRATIVE REMEDIES REGARDING THE MATTERS DESCRIBED IN THIS COMPLAINT

X. LEGAL CLAIMS AND CAUSE OF ACTION

PLAINTIFFS REALLEGE AND INCORPORATE BY REFERENCE PARAGRAPHS #'S 1-32 OF THIS COMPLAINT

COUNT I.

THE DELIBERATE ~~INDIFFERENT~~ INDIFFERENCE OF DEFENDANTS AT W.C. HOLMAN PRISON FOR MEN TO THE SUBSTANTIAL RISK OF SERIOUS IRREPARABLE HARM HAS DEPRIVED AND CONTINUES TO DEPRIVE PLAINTIFFS OF THEIR RIGHTS UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND EIGHTH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT

COUNT II.

DEFENDANTS MR. MYERS, R. BURNS, M.D. AND MS. KABLER FAILURE TO INTERVENE IN THE ONGOING RISK OF SERIOUS IRREPARABLE HARM TO PLAINTIFFS AMOUNTS TO DELIBERATE INDIFFERENCE IN VIOLATION OF PLAINTIFFS RIGHTS UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND EIGHTH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT

COUNT III.

THE DELIBERATE INDIFFERENCE OF DEFENDANTS OF THE DEPARTMENT OF CORRECTIONS AND CORRECTIONS MEDICAL SERVICES TO PLAINTIFFS ADEQUATE MEDICAL TREATMENT DEPRIVED PLAINTIFFS OF THEIR RIGHTS UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT AND 8th EIGHTH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT TO THE UNITED STATES CONSTITUTION

DONE ON THIS 09th DAY OF MARCH 2008

Respectfully submitted

Darryl D. Riggins #184051

DARRYL D. RIGGINS #184051

SEG. ANNEX - K-34-A

HOLMAN UNIT 3700

ANNORE, ALABAMA

~~35~~
36503

David D. Higgins #184031

SEG. ALEX - K-34-14

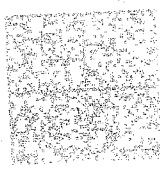
MOBILE UNIT 3700

MOBILE, ALABAMA

36503

LEIGH
WILLIAMS

Office of Court Clerk
Hon. Ms. Clara Shackelford
United States District Court
United States Middle District Court
One Church Street
Montgomery, Alabama
36104



USA FIRST-CLASS FOREVER

